



MASE Newsletter

MAINE ASSOCIATION OF SITE EVALUATORS

August, 2009

2009 MASE/MAPSS FIELD DAY



Field Day Location



WHEN: Thursday, August 27 (8am – mid-afternoon)
 WHERE: Dwight B. Demeritt Forest at University of Maine in Orono
 COST: \$5 for MASE/ MAPSS members, \$10 others
 Register at door

SCHEDULE:
 8 to 12 Test Pit Review (at leisure)
 12 to 1 Lunch (Pizza from Pat's Pizza)
 1 to END Powerpoint Presentation of Test Pits

Email wmhoc@yahoo.com or call William O'Connor at 207-839-5563 for more information!

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MASE Newsletter

AUGUST 2009 NEWSLETTER

Russ Martin to Retire



Russell G. Martin, P.E., longtime Director of the Subsurface Wastewater Disposal Program of the Maine Department of Health and Human Services, will retire on August 31 after over 30 years of public service. Russ graduated from the University of Maine at Orono in 1972 and started working in the Subsurface Program in 1975. He received his Professional Engineer's (PE) license in 1978. After stints with the Drinking Water and Radiological Programs he became director of the Subsurface Program in 1984. In 1988 he left state service to become a private consultant, but returned in 2001 where he has served as the Program Director ever since.

Russ will stay active in the wastewater field as a consultant specializing in providing training and certification to wastewater professionals and technical services in design and permitting issues.

His position as director will not be filled due to budget limitations in state government during this tight economy.

MASE would like to thank Russ for his years of public service and support of MASE and the site evaluator community. If you see Russ please wish him well.

MASE CALENDAR

August 26, 2009	Site Evaluator Field Exam
August 27, 2009	MASE/MAPSS Field Day, Old Town - Test Pit Evaluations and Lunch
September 9, 2009	MAPPS Wetland Soil Training, Reid State Park, 9:00 am.
October 7, 2009	Regular MASE Board Meeting, Augusta 3:00 p.m.
December 9, 2009	Regular MASE Board Meeting, Augusta 3:00 p.m.
January 13, 2010	Regular MASE Board Meeting, Augusta 3:00 p.m.



MAINE ASSOCIATION OF SITE EVALUATORS

August, 2009 Newsletter

Newsletter Editor Richard Green

Contributors David Marceau
Dave Kamila

Send articles, photos, news,
and other publication items to:

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(207)685-8141
MASE website: www.mainese.com

2009 MASE Board Officers

Ken StrattonPresident
Gary Fullerton Vice President
William O'Connor Treasurer
Richard Green Secretary
David Marceau Ex Officio
Daniel Locke Director
Amy Jones Director
Dale Knapp Director



MAINE ASSOCIATION OF SITE EVALUATORS

2009 Membership Form

MASE NEEDS YOU!

Your membership is important and our budget depends on your dues! All MASE memberships expire in February. You can join now and be assured of another year of representation of your interests by MASE. We are working to keep license fees down, mandates and regulations reasonable, host quality field seminars, interesting winter seminars & a pertinent newsletter. Please work with us!

(Please complete a separate form for each individual)

Regular Membership
(Maine Licensed Site Evaluator)

\$25

or

Associate Membership
(Unlicensed individuals with an interest in
the goals and purpose of the Association)

\$15

Make Checks Payable to: MASE

Mail To: Bill O'Connor, Treasurer
Albert Frick Associates, Inc.
95A County Road
Gorham, ME 04038
wmhoc@yahoo.com

Name: _____ License Number: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

www.mainese.com

Revisions to the Maine Subsurface Wastewater Disposal Rules, CMR 241

Effective Date August 1, 2009

In the fall of 2006 a task force of individuals involved in the field of onsite wastewater disposal was organized for the purpose of reviewing the Subsurface Wastewater Disposal Rules. As several individuals from the private sector expressed a belief that they did not have sufficient input to the rulemaking process, the task force was purposely structured to minimize involvement by the Department. The task force consisted of licensed Site Evaluators, Local Plumbing Inspectors, equipment suppliers, system inspectors, and representatives of other State of Maine government agencies. The initial group split into three subgroups that met periodically to review administrative and technical rule requirements. As various proposals or “position papers” were issued by the subgroups, the position papers were circulated by e-mail for comment to a volunteer group of 150 individuals. These reviewers were solicited from approximately 1,600 wastewater professionals including Site Evaluators, Local Plumbing Inspectors, suppliers, installers, and pumpers. In the fall of 2008 a list of recommended rule changes was submitted to the Department for consideration. Those changes, along with ones developed by the Department for portions of the rules that were not considered by the task force, constitute the changes proposed for adoption.

The Division of Environmental Health held a public hearing on Wednesday December 17, 2008; with comment periods from November 26, 2008 to December 31, 2008, and January 14, 2009 to February 8, 2009. Notices for the hearing and comment periods appeared in newspapers throughout the state in a timely manner. The record for written comments closed on February 8, 2009. The rules as originally proposed have been modified to incorporate appropriate comments.

The adoption date of the revised Rules is August of 2009. The reprinted Rules (red cover) have the modified sections marked with a black line in the left margin. The following is a summary of the significant changes:

- Reduction in depth of native soil necessary for first time systems outside the Shoreland Zone from 12 inches to 9 inches. (Section 400.4.1)
- Definition for private potable water supplies including both owner and abutter. (Chapter 3)
- Authorization for local plumbing inspector to approve more replacement system variances without state involvement. (Section 702.2)
- Setback between systems and private potable water supplies (owner and abutter) treated equally. (Chapter 7)
- Small system size removed from Table 600.1. Chapter 6)
- New format for 600 Tables. Chapter 6)
- Liner requirement for coarse soils in Shoreland Zone moved from chapter 16 to Section 406.0.
- Elimination of 7” and 8” depth to limiting factor first time system variances inside and outside of the Shoreland Zone. (Chapter 19)
- Elimination of “minor” and “major” expansion terminology while maintaining existing expansion technical requirements. (Chapter 17)
- Water tightness testing procedure of certain treatment tanks installed 50 feet or less from major waterbodies and private potable water supplies. Section 907.8)
- Incorporation of stone trench design with provision for greater sidewall area. (Chapter 8)
- Provision to size disposal area on permeability of fill on 8 and 9 category soils with 12 inch depth of fill over native soil. (Section 600.7)
- Removal of prohibition of first time systems in the 10 year flood hazard zone. Section 606.2)
- Minor reformatting and addition of stormwater control structure setbacks to 700 tables. (Chapter 7)
- Inclusion of inspection checklist for use by the local plumbing inspector. Section 111.11)

Perhaps the most significant change made to the Maine Subsurface Wastewater Disposal Rules which took effect on August 1, 2009 is the reduction of suitable soil conditions outside the Shoreland Zone from 12" to 9" to limiting factor. David Marceau has some thoughts on the impacts of this change.

“The Meaning of the Nine Inch Rule”

By David L. Marceau



Now that the dust has settled it is time to talk about the work that needs to be done in order to adjust to some of the changes that have been made in the Subsurface Wastewater Disposal Rules. For purposes of this article I would like to focus on section 400.4 of the code which is the modification of suitable conditions to limiting factor outside the shoreland zone from 12" to 9" (a/k/a the nine inch rule).

As most of you know, I was a strong advocate for the nine inch rule. I stated this during our annual meeting as well as in my written and verbal comments to the department. The primary reason for me was that I have always felt that the subsurface rules should be about the treatment of wastewater and not be used as a land use tool. Therefore, wherever the proper treatment of waste water takes us is where I want the rules to be. I believe most of you agree with me on this point. However, we clearly don't all agree on the way to accomplish that goal. To me there is a lot of evidence that allowing the nine inch condition to become the standard does not compromise water quality in any way as long as site evaluators are capable of properly identifying design conditions. Having said that, I do believe there are issues with some site evaluator's level of knowledge and quality of work. However, I don't think the answer to the problem is to acquiesce to the people who are the problem. I believe we need to spend the time, money and effort it takes to insure that all parties involved understand and comply with the nine inch condition so we have proper treatment of wastewater and no water quality issues. I could write many more pages explaining my opinions on this and other issues; however, this is not what I want this article to be about.

Before I go any further, for those of you who are not familiar with me, I feel the need to explain my background a bit. I graduated from UMO in 1981 with a B.S. in Natural Resource Management and a minor in soils. I have been a Certified Soil Scientist in Maine since 1985, a Licensed Site Evaluator since 1987 and a Certified Wetland Scientist in NH since 1990. I have been delineating wetlands since 1988 and have permitted almost any type of wetland impact you can think of. My need to explain my background should be obvious in the next paragraph or two.

Allowing the nine inch rule to be the new standard means that many areas adjacent to wetlands, within old pastures, and other conditions that would not have previously passed muster will be scrutinized for potential septic systems. Many of these areas have dark surface horizons (to be defined later), possess spodic horizons or have deep plow layers. Each one of these issues presents a somewhat different set of problems which need to be overcome.

Perhaps the most prominent issue is the fact that the code does not allow first time systems to be placed within wetlands. Thus, areas adjacent to wetlands could be suitable for a system as long as the wetland issue is addressed. Depending upon a given site evaluator's expertise this may or may not be a tricky one. If you are

The Meaning of the Nine Inch Rule

David Marceau

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confident that any area within the leachfield and the fill extension associated with this leachfield meet the nine inch condition then you have addressed the primary issue for the design itself.

Note: When making the determination that a given soil meets the nine inch condition you must remember that you are not just looking for mottles. If a soil has a dark surface horizon, plow layer or spodic horizon you will need to take some extra steps to know for certain that a seasonal high water table is at least nine inches deep in the soil profile (more on this later).

Soils are one of the three components that are necessary to identify a wetland and making certain that you have a minimum of a nine inch seasonal high water table usually eliminates it from being a hydric (wetland) soil. Therefore, if you don't have a hydric soil you don't have a wetland. However, you're still not off the hook by my way of thinking. You must somehow address any other wetland impacts (driveways etc.) for the rest of the project unless you specifically explain to your client that you are not doing so. The reason for this is that most people who hire us expect us to address their ability to build within a given area, and they do not know what other questions (if any) they should be asking in order to do so. Notice I said a site evaluator must address wetland impacts, that doesn't mean that the site evaluator has to do the wetland delineation, permitting or other associated work him/herself. However he/she does have to explain that it needs to be done by someone.

The standards that the State of Maine DEP and the U.S. Army Corp. require for identifying wetlands are outlined in the 1987 Army Corp. Manual. The morphological criteria for determining hydric soils are within the Maine Association of Professional Soil Scientist drainage class key as soils that are poorly and very poorly drained. A copy of this drainage class key is incorporated as part of the subsurface code within table 400.1.

As stated above, there are three criteria used to delineate wetlands. The first is soils, the second is vegetation and the third is hydrology. In my opinion, if you have hydric soils and a predominance of wetland plants (hydrophytes) then you will have a wetland. The reason for this is simple. If you have hydric soils and hydrophytes it stands to reason that you will be able to observe the evidence of these wet conditions (wetland hydrology). The way to determine whether vegetation in a given area meets the criteria is to identify the various vegetative strata (trees, saplings, shrubs and herbs) within the area you are examining and then determine their wetland rating, or, to put it another way, the percent chance of occurring in a wetland. For those of you not used to botany or dendrology this will be a challenge. Once this task is completed you need to tally the dominant plants and determine if more than 50 percent are rated as occurring in a wetland.

In my opinion, if a site evaluator is to address wetland related issues he/she will have to know precisely where a wetland boundary is in order to keep a system out of a wetland or, at a minimum, know how much impact a given proposal will have so that it can be permitted.

A primary issue which needs to be addressed in order to determine whether a given soils has a nine inch seasonal high water table (meets the nine inch condition) is making certain that the soil you are assessing is mineral and not organic. Since the code doesn't allow organic soils to be counted as part of the nine inches any organic has to be excluded from your point of measurement. Basically, soils that are wet tend to have dark surface horizons because the organic matter within them doesn't break down. Thus, soils that qualify as poorly or very poorly drained often have dark (chroma 2 and value 3 or less as determined by a munsell color chart) or very dark (chroma and value of 2 or less) surface horizons and have depleted or gleyed horizons directly below this surface horizon.

Note: I have not attempted to define depleted, reduced or gleyed matrixes in this article because they have rather long drawn out definitions. Very basically if you have chroma two or less and value four or more

The Meaning of the Nine Inch Rule

David Marceau

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directly below the plow layer (depleted matrix) or redox features directly a spodic horizon that has dark colors you will not meet the nine inch criteria. The definitions for reduced and depleted matrixes can be found in the Field Indicators for Identifying Hydric Soils in New England, Version 3, April 2004; published by the NEIWCC Wetlands Working Group; www.neiwcc.org/hydric.htm.

When the colors described above are found in surface horizons these horizons are high in organic content or may be organic and not mineral. As a frame of reference a fertile plow layer will generally come out as having a chroma and value of 3. It is only when this plow layer becomes saturated with water for a significant amount of time during the growing season that it possesses these dark and very dark colors which demonstrate that the soil has enough organic matter to qualify as being organic and not mineral. To the untrained eye the differences in color seem very subtle. However, if you spend some time looking at various conditions you can pick up potential problems reasonably quickly.

Another problem soil condition related to the nine inch rule is soils that mask their ability to demonstrate mottling (known as redoximorphic features to soil scientists) due to plowing or the process of forming spodic horizons (podzalization). The fact that a soil does not display any "mottles" that can be visibly observed does not necessarily mean that it is not saturated. In fact this is one of the reasons soils scientists have decided to describe wet soils by incorporating redoximorphic features rather than sticking to describing mottles. Signs of wetness can be oxidized rizopheres, organic staining or even an entire horizon which is depleted or gleyed (none of which are mottles). Thus, you need to be aware that some soil horizons mask the evidence that mottling is trying to produce.

We all know that soils take a relatively long time to form and thus any mixing process such as plowing will not allow the signs of wetness to be displayed for two reasons. First, the relatively high organic matter content of a plow layer masks the colors mottling produce and secondly the mixing of the soil caused by plowing has not allowed enough time for the mottles to form.

In the case of spodic horizon development you have iron, aluminum, and organic matter moving out of an albic horizon (grey ashy looking layer) and into a spodic horizon (reddish layer). Very often it is difficult to pick up evidence of wetness in these two horizons because the whitish color of the albic horizon cannot be seen from the whitish color the reducing process of mottling is causing and the reddish color of the spodic horizon cannot be seen from the reddish color the oxidation process of mottling is producing. Basically, the podzalization process is stronger than the mottling process so it usually wins out.

The key to figuring out whether a soil that you think could be wet, is wet, is to take a good hard look at what there is for evidence of wetness just below the plow layer, spodic horizon, or other condition (fill?) which you believe may have masked the evidence of mottling. If you find mottling directly below the plow layer etc. than in most cases all bets are off. Obvious evidence of wetness is when you find a depleted or gleyed horizon directly below the horizon in question. This means that you have an entire horizon telling you it is wet not just a few splotches which mottling indicate.

So, we all have some catching up to do in order to retune ourselves for the new rules. You will be seeing me assisting in this process through the education committee. I welcome any comments, but remember I'm just a volunteer so I can't spend all of my time on these types of projects. The one thing every site evaluator is going to have to do is get used to using a munsell color chart to determine soil colors. These color charts can be purchased through several outlets; the ones I am familiar with are Forestry Suppliers and Ben Meadows. They cost in the range of \$120.00.

Until next time, I hope you and your family are weathering these rocky times.

LPI Corner

New Subsurface Permit Surcharge

Section FFFF of the recently passed budget bill (PL 2009, ch. 213) requires municipalities to assess a \$15.00 surcharge to all non-engineered subsurface wastewater system permits, and to remit this money to become part of the Water Quality Improvement Fund, within the Department of Environmental Protection. According to Andrew Fisk, Bureau Director, Land & Water Quality, MDEP the purpose of the Fund is to improve and protect water quality to reduce impacts on shellfish growing areas. The Fund will allow the hiring of three staff in the shellfish area program at the Department of Marine Resources. The fund will also be used to improve the State's wastewater infrastructure, remove licensed overboard discharges, abate pollution from failed subsurface wastewater disposal systems, and improve the identification of pollution in shellfish harvesting areas. Revenue for the Fund will come from several sources including fees on certain municipal wastewater treatment facilities and combined sewer overflows.

This surcharge would apply to all non-engineered full systems, whether a first time, replacement, or expansion; but not to components such as a tank-only replacement. Note that this surcharge does not reduce or increase the basic \$100.00 subsurface system permit charge, nor does it impact any local fees set by ordinance. Municipalities are still required to submit 25% of the minimum permit fee to the Department of Health and Human Services for all internal and subsurface permits. The \$15.00 surcharge will need to be accounted for separately and should be submitted to the Department as a separate check, for forwarding to the MDEP for processing. We recommend you begin collecting the surcharge as soon as possible; it is not necessary to seek a surcharge payment from individuals you have already permitted in July 2009.

We encourage all municipalities to submit both the 25% state share of the permit fees and the \$15.00 subsurface system surcharge on a monthly basis. If your level of permit activity supports a less frequent submittal, we would prefer to hear from you at least once a quarter. All checks need to be made payable to the "Treasurer of State". The surcharge check should indicate the number of subsurface system permits covered, and specify "Water Quality Surcharge" either through a notation on the check, check stub, or a separate document. All submittals, financial or otherwise should be sent to:

**Division of Environmental Health
Subsurface Wastewater Program
11 State House Station
Augusta, ME 04333-0011**

MASE can use your help!

MASE could use your ideas and expertise to help further the goals of the organization. Please share your talents by writing an article, technical or not, for the newsletter or website. The subject can be any topic of interest to MASE members. We are also planning next winter's annual meeting and technical seminar agenda and could use your input on speakers or events for the meeting. In addition, MASE is committed to supporting training and education for its members and would like suggestions on possible training topics or workshop ideas that would benefit the membership. Please contact President Ken Stratton at 207-485-0738 or email fernancier@hotmail.com with your suggestions.

Check the MASE Website for Updates! www.mainese.com

19th Annual MASE Golf Tournament Results

by Dave Kamila

MASE held its 19th annual golf tournament on June 26th at the Meadows Golf Course in Litchfield. The scheduled date of June 19th was rained out due to the biblical rains of last June and July. Unfortunately several folks were unable to re-schedule for that date, however several others came instead for a total of 18 players. It turned out to be one of the few good days of this past summer and everyone enjoyed a great round of golf and fantastic lunch as always compliments of Bruce Johnson and Infiltrator Systems.

This year's winning team of Andy Pierce, Alex Finamore and Bonnie Cobb came in at -2. Second place honors went to Bob Bills, Dennis Curran, Dick Watson and Rod Kelshaw at +2.

Closest to the pin winners were: #3- Bob Bills 16'-7" and Phil Drew 38'; #7- Dennis Curran at 11'-1" just edged out Bruce Johnson at 11'-7"; #15-Mike Banaitis 6'-5" and Bruce Johnson 15'-4"; #17-Andy Pierce stood alone at 36'-11".

Longest Drive honors went to Alex Finamore and Bonnie Cobb. Hopefully next year's tournament will include more representation from our women members.

Next year will be our 20th anniversary so we are soliciting ideas from the members to mark the occasion.



**2009 WETLAND DELINEATION AND IDENTIFICATION
AND
SITE EVALUATOR SOIL PIT CLASSIFICATION WORKSHOP
Wednesday, September 9, 2009**

The 2009 MAPSS/MAWS/MASE/SSSNNE/MFS Wetland Delineation and Identification Workshop will be held at Reid State Park in Georgetown, Maine on September 9, 2009 from 9:00 am until 3:30 pm. Registration will be in the first parking lot (on the left) you come to on the way to Griffith Head from 8:30 am – 9:00 am (take the left fork in the road after passing through the gate). You will be given a location map to sites you are to visit along with other materials you will need for the workshop. A plant and soil expert will be at each of the sites to assist with soil and/or plant classification but not the wetland determination. You have from 9:00 am – 12:30 pm to visit the sites. After visiting the field sites, travel back to the parking lot where you registered for a discussion of the sites by state and federal regulators, at a pavilion reserved for the purpose, located at the end of a paved trail you walk on that exits from the parking lot. **Please bring your own lunch. There is no admittance fee at the park gate. Just tell them that you are attending the MAPSS/MAWS/MASE/SSSNNE/MFS workshop.** The focus of this workshop is wetland delineations and identifications using the 1987 ACOE Wetland Manual (including the use of the Field Indicators for Identifying Hydric Soils in New England compared with the Draft Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Paul Minkin from the Northeast Regional ACOE Office in Concord, Mass. will be leading a discussion of the sites at the conclusion of the field work. The workshop will also include soil pits for Site Evaluators focusing on identifying the seasonal groundwater table in somewhat poorly drained soils (the new 9” minimum depth to LF adopted in the SS Rules). See attached workshop description for more details.

The cost of the workshop is \$25.00 for MAPSS/MAWS/MASE/SSSNNE/MFS members or associate members and **\$40.00 for all others.**

Check here if you are not a MAPSS member or associate member and you want the \$15.00 additional registration fee to be used for an associate membership.

Please send your checks, payable to MAPSS, to:
Gary Fullerton
104 Millturn Road
Limington, Maine 04049

For planning purposes, we ask that you register by September 1. Check www.mapss.org for background information and updates.

**Registration for MAPSS/MAWS/MASE/SSSNNE/MFS 2009 Wetland Delineation and Identification and
Site Evaluator Soil Pit Classification Workshop
Reid State Park, Seguinland Road, Georgetown, Maine**

Name: _____

Address: _____

Phone Number: _____ **Email:** _____

Number Attending Workshop: _____ **X \$25.00** _____

_____ **X \$40.00** _____

MASE Treasurer's Report

by Bill O'Connor, Treasurer



MAINE ASSOCIATION OF SITE EVALUATORS

TREASURER'S REPORT

August 1, 2009

Cash on Hand as of 6/1/09 \$ 7,396.88

Income

Eljen In-Drain Donation \$ 3,000.00
Dues & Golf Tournament \$ 630.00

Expenses

Bruce Johnson (Golf) \$ 100.00
Gary Fullerton (Stamps) \$ 8.80
The Meadows (Golf Course) \$ 553.00

Period of 6/1/09 to 8/1/09 Total Income: \$ 3,630.00

Total Expenses: \$ 661.80

Cash on Hand as of 7/31/09 \$ 10,465.08

Fidelity Mutual Fund Balance as of 12/31/08 \$ 7,289.43
(+ \$148.09 from 11/30/08)

Total Assets as of 8/1/09 \$ 17,754.51

A Generous Offer

by David Marceau

Last year, while I was president of M.A.S.E., Wayne Berzinis, owner of Construction Consultants, and Mark Bram, owner of the Eljen Corporation, contacted me and expressed the desire to donate a sum of money to our organization to assist in training site evaluators and others interested in septic system designs. Construction Consultants explained that they would be willing provide us with \$1500.00 for this year and possibly two additional years for a total of \$4500.00 The Eljen Corp. agreed to match the sum that Construction Consultants provided us this year (\$1500.00) and possibly again in the next two succeeding years for a total of \$4500.00. That's \$9000.00 of new revenue over a three year period.

Frankly, the offer took me by surprise. It was a lot of money with almost no strings attached , and I felt that the executive board should have a plan in place to demonstrate to Construction Consultants and the Eljen Corp. that we indeed were going to make good use of the money. I spent almost a year pondering how the money could best be used to benefit MASE members and improve the practice of site evaluation. This spring I proposed to the board that we use the money to expand the annual field day so that we could explain some of the code changes and provide more hands on information to attendees. MASE has received the \$3000.00 that was promised for this year and you will have an opportunity to see the changes in our annual field day on August 27, 2009.

On behalf of the MASE Executive Board I wish to thank Construction Consultants and the Eljen Corp. for their generosity. It is encouraging to see companies such as these willing to make such significant contributions to assist in the training of site evaluators, plumbing inspectors, and others.



MASE

MAINE ASSOCIATION OF SITE EVALUATORS

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c/o Bill O'Connor, Treasurer

Albert Frick Associates, Inc.

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MASE Newsletter

August, 2009